

Serial No.: 09/833,119  
Examiner: Fred O Ferris, III

**Comments to Reasons for Allowance**

The Notice of Allowability mischaracterized the teachings of the prior art and the interpretations of the claims. With respect to the interpretation of the claims and the word "case" as used in the claims, the Reasons for Allowance are objected to on the grounds that the invention is not limited to the embodiments disclosed, but is capable of numerous rearrangements, modifications and substitutions without departing from the spirit of the invention as set forth and defined by the claims, as stated at page 59, lines 23 through 30 of the specification.

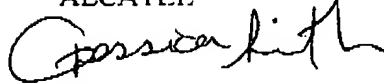
With respect to the prior art teachings, the prior art does not disclose the steps as stated in paragraph 3 on page 2 of the Notice of Allowability. First, Chang reference nowhere describes designing an operable optical span. It only has defines models of a network system. It nowhere states that one of the steps is to design an operable optical span. Furthermore, it fails to describe performing a margin analysis on an operable optical to determine how much change said operable optical span can tolerate before said operable optical span becomes an inoperable optical span in one or more case types. As stated in the Office Action, the Chang reference does not disclose determining the margin of the optical span. Since there is no mention of optical span or determining a margin, there can be no disclosure or teaching that performing a margin analysis on said operable optical span to determine how much change said operable optical span can tolerate before said operable optical span becomes an inoperable optical span in one or more case types. In addition, the Frigo reference fails to disclose determining the margin of an optical span. It merely describes monitoring "the rate of signal degradation in the individual fibers of an optical communication network." The Frigo reference is describing an operating network. It is determining an operating system threshold for signal strengths transmitted to ONUs. It can not disclose determining acceptable margins to design changes of an optical span since the disclosed feeder fibers in the Frigo reference are already in operation and installed.

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For the above reasons, the claims are allowable over the prior art.

Respectfully submitted,

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